

REMARKS

This response and election is in response to the Office Action, dated September 3, 2008 ("Office Action"). Examination of the claims in view of the ensuing remarks is respectfully requested.

In the Office Action, Examiner required election among aspects of the claimed invention described in Groups I-XVI under 35 U.S.C. §§121 and 372. The Groups are enumerated in the Office Action and are not re-presented here. Examiner further included what Applicants believe to be a species election with regard to the following items:

1. (a) blood, (b) bone marrow or (c) adipose tissue of claim 6;
2. one step of claim 8;
3. (a) scaffolds or (b) gels of claim 20;
4. (a) TGF β , (b) CDMP1 or (c) CDMP2 of claim 28; and
5. genes encoding: (a) proteins involved in regulation of inflammation, (b) cytokines, (c) inhibitors of cytokines or (d) inhibitors of degradative enzymes, of claim 15.

Applicants hereby elect the embodiment of the instant invention described in **Group V** (claim 23; drawn to a method of differentiating towards IVD cells by exposing cells to increasing pressures of up to 30psi) for prosecution on the merits. Applicants reserve the right to pursue the unelected subject matter in one or more divisional applications.

Applicants further elect the following species for each of the five items enumerated above, respectively: (1) **bone marrow** in connection with claim 6; (2) **the application of load** (*i.e.*, step 8(c)) in connection with claim 8; (3) **gels** in connection with claim 20; (4) **TGF β** in connection with claim 28; and (5) **genes encoding inhibitors of cytokines** in connection with claim 15. Claim 23 reads on this species election, and is generic with respect to each.

All of the claims in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. If for any reason Examiner finds the application other than in condition for allowance, Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 633-6800 to discuss the

steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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